

Burden of Proof Special Exception Application

221 10th Street SE

To: The Office of Zoning
Government of the District of Columbia
Suite 210 South
441 4th Street, NW
Washington DC 20001

From: Jennifer Fowler
Agent/Architect
1819 D Street SE
Washington, DC 20003

Date: April 12, 2019

Subject: BZA Application, Cooper Residence
221 10th Street SE (Square 0944, Lot 0035)

Charles and Kristi Cooper, owners of 221 10th Street SE, hereby apply for special exceptions pursuant to Subtitle X, Chapter 9, to build a two-story garage with an accessory apartment. The second floor of the garage will be converted to a legal dwelling unit. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

Relief is requested from Subtitle U § 301.1 (e) in order to build an accessory structure for residential use.

Relief is also requested from Subtitle E § 5003.1 from the lot occupancy limitations for an accessory structure.

Additional relief is requested from Subtitle E § 304.1 from the lot occupancy limitations for a row dwelling in the RF-1 zone.

I. Summary:

This special exception qualifies under ZR-16 Subtitle X, Chapter 9, because the proposed addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.

II. Qualification of Special Exception

By satisfying the requirements of X-901.2, the application also meets the general special exception requirements of E-5201.3 through E-5201.6.

901 Special Exception Review Standards

The Board of Zoning Adjustment will evaluate and either approve or deny a special exception application according to the standards of this section.

The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- a. *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The footprint of the garage will be very similar to the two adjacent garages. The new two-story structure will mimic the many similar structures that exist on the alley. The new façades will be faced in brick to match the existing brick structure. A one-bedroom apartment will be included on the second level with access from the public alley.

The existing alley has a number of two-story garages, several of which have apartments or commercial space. The alley that the garage fronts is 20' wide, and it extends north-south from C Street SE to Independence Avenue SE. Because of the distance to the street, the proposed accessory unit will meet the access requirements specified in Subtitle U § 301.1 (c).

Because of the presence of other two-story inhabited garages and the generous access from the street, the proposed garage will be in harmony with the intent of the regulations.

- b. *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

The light and air available to neighboring properties shall not be unduly affected.

219 10th Street SE

219 10th Street SE lies to the north of the property at 221 10th Street SE. 219 10th has an existing one-story garage at the rear of the property. The north wall of the proposed garage will extend approximately 11' above the existing garage at 219 10th Street SE. The increase in height may have a minor affect on the light and air available to the rear yard at 219 10th Street, but the impact will be mostly over the roof of the existing garage.

223 10th Street SE

223 10th SE lies to the south of the proposed garage at 221 10th Street SE. The property at 223 10th Street SE has an existing two-story garage of similar massing to the proposed structure. The yard wall of the proposed garage will extend 2'-6" further than the garage at 223 10th Street SE. The proposed garage expansion will have a minimal impact on the light and air available to the rear yard at 223 10th Street SE because it site directly to the north.

Neighbors to the West

Neighbors to the west of 221 10th Street SE are separated from the property by large rear yards and a 20' public alley. The proposed garage addition will have little to no impact on the light and air available to the neighbors to the west, as most of these properties have garages that front the alley.

The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

219 10th Street SE

The wall along the shared property line will not have any windows. There will be new windows along the second level east wall of the garage, which may allow some views into the rear yard at 219 10th Street. However, the main block of the house at 219 10th Street SE is set back several feet beyond the rear wall of 221 10th Street. There is almost 45' of distance between the proposed

garage yard façade and the windows at the rear of 219 10th Street SE. Additionally, there are mature trees in the rear of both yards. Overall, the garage expansion will not unduly compromise the privacy of use and enjoyment of the neighbors at 219 10th Street SE.

223 10th Street SE

The wall along the shared property line will not have any windows. There will be new windows along the second level east wall of the garage, which may allow some views into the rear yard at 223 10th Street. There is approximately 28' of distance between the proposed garage yard façade and the windows at the rear of 223 10th Street SE. Additionally, there are mature trees in the rear of both yards. Overall, the garage expansion will not unduly compromise the privacy of use and enjoyment of the neighbors at 223 10th Street SE.

Neighbors to the West

The existing structures to the west are garages and are separated by a 20' wide alley. The new west wall will have some windows, but the large alley and existing garages will obstruct any views into the rear yards at the neighbors to the west.

902 and 1003 Application Requirements

An application for a special exception and an area variance shall meet the requirements of Subtitle Y § 300.

Along with this application, we have included the following items:

- a) Photos of the existing house and surroundings;
- b) Plan and elevation drawings of proposed addition, including a site plan showing the relationship of the proposed addition to adjacent buildings.
- c) Official Plat from the DC Office of the Surveyor.

If you require any further clarification or have any questions regarding the application, we are available at any time to discuss them with you.

Thank you,



Jennifer Fowler
Agent/Architect
202-546-0896